

CHAPTER V

ENVIRONMENTAL COMMITMENTS

This draft EIS describes, to the extent possible based on available information, the environmental impacts associated with allocation and use of CAP water under the proposed alternatives. As noted elsewhere, Appendix L contains information on proposed or potential uses of the allocated CAP water, and describes the potential CAP delivery facilities required. Where there is insufficient information to fully describe the environmental impacts, Reclamation is committed to carry out supplemental environmental review associated with future federal actions, when more specific details about plans for taking and using water are identified. This chapter describes Reclamation's commitment to carry out such reviews for the federal actions contemplated under the proposed allocation alternatives.

V.A. CAP WATER ALLOCATED TO M&I ENTITIES

Federal Action Required: Execution or amendment of 20 CAP water service subcontracts - This would occur under the Settlement Alternative and Non-Settlement Alternatives 1 and 3B. No additional CAP water would be provided to the user pursuant to the new contract or amendment until environmental clearance is granted by Reclamation. Such environmental clearance would be based on a review of the entities' plans for taking and using CAP water. An internal checklist procedure would then compare the proposed plans to what was described in Appendix L of this EIS and make conclusions about the level of additional environmental review required. If construction of new delivery or water treatment facilities are necessary to take delivery and put CAP water to use, site-specific environmental clearances (e.g., cultural and biological resource surveys) of these facilities would be required by Reclamation prior to construction.

The specific scope of Reclamation's environmental review would be made on a case-by-case basis, depending on the specific situation and facilities proposed. In general, however, Reclamation's review under NEPA, ESA, and NHPA would extend from the facilities needed to connect to the CAP Aqueduct to the immediate point of conveyance, such as a water treatment facility. Once the CAP delivery system becomes connected to the entities' water distribution system, Reclamation's environmental oversight would end.

V.B. CAP WATER ALLOCATED TO INDIAN ENTITIES

Federal Action Required: Execution or amendment of CAP water service contracts - Contracts would be amended for the GRIC under all action alternatives and for the TON under all action alternatives except Non Settlement-Alternative 1. Contracts would be executed or amended for Navajo/Hopi and SC Apache Tribe under Non-Settlement Alternative 2 and Non-Settlement Alternative 3. Each water service contract or contract amendment would contain a provision that no additional CAP water would be provided to the user pursuant to the new contract or amendment until environmental clearance is granted by Reclamation. Such environmental clearance would be based on a review of the entities' plans for taking and using CAP water. An internal checklist procedure would be used to compare the proposed plans to what was described in Appendix L of this EIS and determine the level of additional environmental review required, if any.

V.B.1. CAP Water Allocated to GRIC

Settlement Alternative - In addition to the general approach described above, the CAP water allocation to GRIC under the Settlement Alternative includes specific aspects which are part of the GRIC settlement. Water allocated to GRIC under the Settlement Alternative includes an additional CAP allocation of 102,000 af, plus 17,800 af of CAP water originally allocated to HVID, 18,600 af of CAP water originally allocated to RWCD, and 17,000 af of CAP water originally allocated to ASARCO. The allocation and contracting for all of these increments of CAP water are included in the EIS. The specific uses of the total 155,400 af of CAP water and the environmental impacts are described in the EIS to the extent possible. Commitments for additional environmental review are as follows:

V.B.1.(a) CAP Water Leased and Exchanged by GRIC to Seven Municipalities

Federal Action Required: Approval of GRIC lease of 41,000 af to seven municipalities; approval of GRIC exchange of 32,500 af to the Cities of Mesa and Chandler - The proposed lease and exchange are parts of the proposed GRIC settlement. In general, the impacts of these actions have been described in this EIS. The water budgets developed for this EIS (for the analysis of groundwater and urban water demands) include this lease and effluent exchange in the Settlement Alternative. It is anticipated that separate federal approvals of the lease and exchange would be required.⁴⁸ At that time, a review would be carried out to determine if supplemental NEPA documentation is necessary.

V.B.1.(b) CAP Water Leased by GRIC to Two Mining Companies

Federal Action Required: Approval of GRIC leases to ASARCO (for 17,000 af) and Phelps Dodge Corporation (for 12,000 af) - These proposed leases might be part of the proposed GRIC settlement. The potential environmental impacts of these leases have not been described in this EIS because specific information on the proposed uses of the leased water and details of the lease arrangements, including whether these options would eventually be exercised, are not available at this time. It is anticipated that separate federal approvals of the leases would be required. At that time, a review would be carried out to determine if supplemental NEPA documentation is necessary.

V.C. NIA ENTITIES

Action Required: Voluntary relinquishment of CAP subcontracts under the Settlement Alternative - No federal action is anticipated and no further environmental review is proposed.

Federal Action Required: Execution of NIA contracts offered under Non-Settlement Alternative 3A - Reclamation would review the earlier NEPA documentation prepared in 1991 (Reclamation 1991) and determine whether supplemental NEPA compliance documentation would be required.

Federal Action Required: Future reallocation of the 95,263 af of NIA priority water reserved for future NIA or M&I use pursuant to a process to be developed (Settlement Alternative) - This is an aspect of the Settlement Alternative that remains to be finalized and is expected to be addressed in

⁴⁸Consistent with other recent Indian water rights settlements in Arizona, it is expected that the GRIC settlement legislation would include a provision that the execution of the settlement agreement is not a major federal action, but that compliance with NEPA and other environmental legislation would be required for the specific federal actions required to implement the settlement agreement.

legislation. NEPA compliance may or may not be required for the future allocation of this water supply, depending on whether discretionary federal actions are required.